

to the Minister, according to the terms and conditions defined in the territorial management agreement. When the Minister will have implemented a formal procedure to make it possible for the RCM to directly enter rights in the official land register, he will contact the RCM to adapt the terms and conditions to that effect in the territorial management agreement.

7.6 An RCM that exercises the powers and responsibilities provided for in this Program acts in its own name and any action it takes is in no way binding on the Government.

Subject to the special provisions of section 6, the RCM shall comply with the Act respecting the lands in the public domain and the regulations thereunder, as amended.

8. FINAL PROVISIONS

8.1 The territorial management agreement respecting land planning and management has a renewable 5-year term. When the delegation expires, the Minister is again fully responsible for the delegated management of the intramunicipal lands in the public domain. The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions applicable to the delegation.

8.2 Where the Minister is again responsible for the management of intramunicipal lands in the public domain he delegated, the RCM shall send the Minister all the information that the latter could ask it, including, in particular, the up-to-date books and records kept by the RCM for managing the lands. The RCM shall also give the Minister all the records that the Minister entrusted to it.

8.3 Any contestation from a beneficiary of a right that was granted by the RCM and that results from differences in the methods of management applied by the RCM and the Minister shall be submitted to the Minister.

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Gouvernement du Québec

O.C. 388-98, 25 March 1998

Agreement respecting the transfer to the Municipalité régionale de comté de Charlevoix, on an experimental basis, of responsibilities in the field of public forest management

WHEREAS the Conseil régional de concertation et de développement de la région de Québec (CRCDQ)

adopted a resolution recognizing that the delegation of the management of the intramunicipal public territory located within the limits of the municipality of Petite-Rivière-Saint-François in favour of the Municipalité régionale de comté de Charlevoix constitutes, in the collective interest, a new management method that can help that territory participate in the regional and local development and that the draft delegation complies with the strategic plan of the CRCDQ;

WHEREAS the territory that is subject to this Order in Council shall be included in an inhabited forest demonstration presented by the Municipalité régionale de comté de Charlevoix and recognized by the Ministère;

WHEREAS the delegation of powers and responsibilities in the field of land and natural resources management designated in favour of the Municipalité régionale de comté de Charlevoix contributes to the carrying out of the inhabited forest demonstration;

WHEREAS the Minister of State for Natural Resources granted a financial assistance of \$50 000 to the Municipalité régionale de comté de Charlevoix to support the implementation of the organization necessary for the carrying out of the demonstration as well as the preparation of a development plan and the parties agreed to pursue and carry the demonstration through;

WHEREAS under the Forest Act (R.S.Q., c. F-4.1), the Minister of Natural Resources holds the powers and responsibilities in the field of forest management;

WHEREAS under section 10.5 of the Municipal Code of Québec (1996, c. 27), a regional county municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis;

WHEREAS under section 10.6 of the Municipal Code of Québec, such agreement must set out, in particular, the conditions governing the exercise of the responsibility, the duration and the rules relating to its implementation;

WHEREAS under section 10.8 of the Municipal Code of Québec, such agreement shall prevail over any inconsistent provision of any general law or special Act or any regulation thereunder;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs, the Minister of State for Natural Resources and Minister of Natural Resources and the Minister for Electoral and Parliamentary Reform, Regional Development and Forests:

(1) THAT the Minister of State for Natural Resources be authorized to sign for and on behalf of the Government an agreement with the Municipalité régionale de comté de Charlevoix under which it will be temporarily entrusted with the management responsibilities over public forests presently erected into public forest reserves, on an experimental basis.

Those powers and responsibilities are identified in the Schedule to this Order in Council;

(2) THAT the experimental project have a 5-year term, subject to renewal;

(3) THAT the agreement be entered into on the following conditions:

(a) in exercising the responsibilities transferred to it, the MRC will have to comply with the provisions of the Forest Act (R.S.Q., c. F-4.1) and the regulations made thereunder, as amended, particularly as regards the sustainable development of forests, preservation of forest production and forests;

(b) the MRC will neither adopt provisions making it more difficult for businesses to get their supplies from public forests, nor restrictions favouring the use of the resource on a local level, to the detriment of more promising projects with respect to job creation and future development;

(c) on 31 March of each year, the MRC will submit a report to the Minister of State for Natural Resources of the activities carried out and of the use made of the revenues and royalties or of their equivalent drawn from intramunicipal public lands and designated natural resources;

(d) the MRC will produce and submit to the Minister a 5-year report of activities assessing forest management subject to the delegation to the MRC. Furthermore, the MRC shall communicate the main highlights of that report to the population;

no later than within 12 months following the signing of the territory management agreement, the Minister and the MRC shall agree upon the objectives to attain and the evaluation criteria;

(e) the Minister of State for Natural Resources will continue to assume the powers and responsibilities not expressly transferred to the MRC by the agreement;

(f) if need be, the Minister of State for Natural Resources may specify the scope of the transferred powers in the field of forest management.

SCHEDULE

Powers and responsibilities defined in the Forest Act (R.S.Q., c. F-4.1) and referred to in the agreement with the Municipalité régionale de comté de Charlevoix on the experimental delegation of forest management:

— the granting of forest management permits of the following classes: for the harvest of firewood for domestic or commercial purposes, for the cultivation and operation of a maple grove for the purposes of obtaining maple syrup products, for public utility works, for mining activities and for a wildlife or recreational development project;

— the management of public forest reserves and the sale of timber. Notwithstanding the provisions of the Act, the marketing of timber may be assumed by the MRC without particular terms;

— the conclusion of supply and forest management agreements;

— the granting of permits for the construction or improvement of forest roads and authorizations for the construction or improvement of roads other than forest roads regarding the width of the right-of-way and the destination of timber harvested in connection with such works;

— control of the access to forest roads for reasons of public interest, particularly in cases of fire, in the thaw period or for safety reasons;

— prescribing forest management standards, in accordance with the Regulation respecting standards of forest management for forests in the public domain or with any other standards authorized under the Forest Act;

— the collection of dues payable by holders of authorizations, permits or rights granted by the MRCs under the applicable regulations;

— the supervision and control of forest management activities, in accordance with the Forest Act and the regulations thereunder.